

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HANS MOKE NIEMANN,

Plaintiff,

v.

SVEN MAGNUS ØEN CARLSEN A/K/A

MAGNUS CARLSEN, et al.,

Defendants.

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Case No.: 4:22-cv-01110-AGF

DEFENDANT CHRISTOPHER HIKARU NAKAMURA’S MOTION TO DISMISS

COMES NOW, Defendant Christopher Hikaru Nakamura (“Mr. Nakamura”), by and through his undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(2), Conn. Gen. Stat. § 52-196a, and Federal Rule of Civil Procedure 12(b)(6), hereby moves to dismiss the Amended Complaint of Plaintiff Hans Moke Niemann (“Plaintiff”). In support of his Motion, Mr. Nakamura states as follows:

1. Plaintiff, a Connecticut citizen, has asserted various claims against, among others, Mr. Nakamura, a Florida citizen, relating to Mr. Nakamura’s alleged expression of his opinions online, while in Florida, regarding whether *others* believed Plaintiff, who has admitted to cheating at chess, cheated in a recent chess tournament. There is no basis, much less a basis sufficient to satisfy Missouri’s long-arm statute and the Due Process Clause, for the exercise of personal jurisdiction over Mr. Nakamura in this case.

2. Moreover, and though the Court need not reach this issue, Plaintiff’s claims against Mr. Nakamura also fail on the merits.

3. Plaintiff’s Sherman Act claim (Count III) fails for myriad reasons—including because Plaintiff has not alleged an antitrust injury, does not allege an agreement among all of the

Defendants, and does not allege that any such agreement unreasonably restrained trade. Plaintiff's Sherman Act claim is particularly nonsensical as directed to Mr. Namakura, who is alleged to be a "competitor" in *playing the game of chess*. Plaintiff does not and cannot allege that Mr. Nakamura controls some undefined market in such a way that could cause an antitrust violation.

4. Each of Plaintiff's Counts I (state law slander), II (state law libel), IV (state law tortious interference), and V (state law civil conspiracy) is barred by Connecticut's anti-SLAPP statute and otherwise fails to state a claim. As to Counts I and II, Plaintiff fails to identify specifically which alleged opinions or statements attributed to Mr. Nakamura in the Amended Complaint form the basis of these claims but, regardless, statements of opinion and statements that Plaintiff himself admits are true are non-actionable. Further, Plaintiff has not plausibly alleged actual malice. As to Counts IV and V, these claims necessarily fail because Plaintiff's other claims fail, but also fail because Plaintiff has not adequately alleged that Mr. Nakamura had knowledge of any purported contracts or business expectancies with which he supposedly interfered and because Plaintiff has also not plausibly alleged how Mr. Nakamura engaged in some undefined conspiracy with the other Defendants.

5. Mr. Nakamura incorporates herein his Memorandum in Support of Motion to Dismiss, filed contemporaneously herewith.

WHEREFORE, Defendant Christopher Hikaru Nakamura prays this Court enter an Order granting his Motion to Dismiss for lack of personal jurisdiction; or, alternatively, should the Court consider the merits of Plaintiff's claims, Mr. Nakamura prays this Court dismiss Plaintiff's Count III for failure to state a claim; and also dismiss Plaintiff's Counts I, II, IV, and V pursuant to Conn. Gen. Stat. § 52-196a, with Mr. Nakamura awarded his attorneys' fees and costs or, alternatively, dismiss Plaintiff's Counts I, II, IV, and V for failure to state a claim.

Respectfully submitted,

LEWIS RICE LLC

Dated: December 7, 2022

By: /s/ Neal F. Perryman
Neal F. Perryman, #43057 (MO)
Michael L. Jente, #62980 (MO)
Benjamin M. Farley, #69073 (MO)
600 Washington Avenue, Suite 2500
St. Louis, Missouri 63101
Telephone: (314) 444-7661
Facsimile: (314) 612-7661
nperryman@lewisrice.com
mjente@lewisrice.com
bfarley@lewisrice.com

and

Michael J. Ryan, FL State Bar #975990*
**Application for PHV Admission Pending*
Freedland Harwin Valori Ryan
110 SE Sixth Street, Suite 2300
Fort Lauderdale, Florida 33301
Telephone: (954) 467-6400
Facsimile: (954) 670-2530
mryan@fhvlegal.com

Attorneys for Defendant
Christopher Hikaru Nakamura